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Supreme Court, U.S.
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No. 97-909

IN THE

Supreme Court of the United States

OCTOBER TERM, 1997

LINDA MADDOX,

Petitioner,

v.

CAPITOL BANKERS LIFE INSURANCE COMPANY, *et al.*,

Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Petitioner Linda Maddox identifies no question of proper significance to call for a writ of *certiorari* to issue to the United States Court of Appeals for the Seventh Circuit.

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OPINIONS BELOW

All of the opinions below—the report and recommendation of the United States magistrate judge, the memorandum and order of the United States district judge, the modified memorandum and order of the United States district judge, and the order of the United States Court of Appeals for the Seventh Circuit—are unreported. They are reproduced in the appendix to Ms. Maddox's Petition. Her Petition itself adequately describes the substance of those opinions, except for its gross distortion of the Seventh Circuit's reason for summarily affirming the District Court's dismissal of her Second Amended Complaint. It is the purpose of this Brief in Opposition, consistent with Supreme Court Rule 15.1, to correct that distortion.

STATEMENT

Ms. Maddox insists that she is victim to a wide-ranging and pervasive conspiracy perpetrated against her by a disparate array of defendants—religious organizations, commercial enterprises, educational institutions, media outlets, public utilities, kosher grocers, and a bevy of individuals—all of whom she believes to have allied, improbably, in a joint mission to accomplish her personal and professional downfall. Consistent with this belief, she lodged a litany of allegations against each in the U.S. District Court for the Northern District of Illinois.

In a thorough and detailed decision amply supported with legal precedent, the magistrate recommended that the District Court dismiss her claims against each defendant on various procedural and jurisdictional grounds.

See Appendix to Petition at 19 *et seq.*[1] He noted in closing that "[t]he law is simply not designed to protect the sensibilities of individuals such as the plaintiff—it cannot be taken that far." *Id.* at 30. The district judge conducted a *de novo* review of the magistrate's report and adopted it in full. *Id.* at 18. In a subsequent and slightly modified order, she rejected Ms. Maddox's objections to the report. *Id.* at 3 *et seq.*

The Court of Appeals for the Seventh Circuit summarily affirmed. *Id.* at 1-2. First denying Ms. Maddox's motion for leave to proceed *in forma pauperis* in that court, the Seventh Circuit went on to observe that "any issues which could be raised are insubstantial and the filing of briefs would not be helpful to the court's consideration of the issues." *Id.* at 1.[2]

Ms. Maddox labors under the mistaken impression that a causal relationship exists between these two aspects of the Court of Appeals' order—that is, that the Seventh Circuit's denial of her *in forma pauperis* motion led it to affirm the dismissal of her complaint. The order of summary affirmance, however, supports no such reading. Quite to the contrary, the Seventh Circuit stated that the affirmance resulted from the fact that her proposed action was not substantial enough even to justify the expenditure of judicial resources that appellate review

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[1] With respect to several defendants, including this one, who had been named in putative causes of action for state-law claims, the District Court dismissed those claims pursuant to 28 U.S.C. § 1367(c).

[2] Because of its summary affirmance, the Seventh Circuit denied (as moot) Ms. Maddox's motion for leave to file an 82-page brief in excess of the 30-page limit set by rule.

would consume. *See* Appendix to Petition at 1. Ms. Maddox's inability to proceed *in forma pauperis* has not deprived her of an appeal; rather, she has been denied the indulgence of *in forma pauperis* status in her pursuit of a grievance that is no cause of action at all.

It is on the brink of her descent into the maelstrom of her dark and disturbed world that Ms. Maddox offers her most nearly lucid description of the bizarre and convoluted circumstances that the unlikely cabal of defendants has visited upon her:

> The situation was then and continues to be one of gross discrimination resulting in plaintiff's being "buried alive" with no chance of pursuing life, liberty and property interests as assured by the constitution and laws of this country. [Petition at 4.]

But her ensuing Statement of Facts is less a description of her quixotic legal odyssey than an aimless tour of the Kafkaesque world in which she evidently dwells. As a whole, the Petition sheds little light on Ms. Maddox's purported claims, and instead serves chiefly to give voice to the inner demons with whom she shares her tormented existence.

The courts have declined to supply her a field of battle, leaving her to tilt at windmills in the dark recesses of her troubled mind. The tenuous grip she holds on the concrete—and her manifest devotion, instead, to the abstract—have yet to be explored by a court of law, and are not properly before this Court. This Brief in Opposition is not meant to address those features. It is limited, instead, to correcting Ms. Maddox's misapprehension that the Court of Appeals for the Seventh Circuit slight-

ed her for applying for *in forma pauperis* status. Nothing in the record supports that interpretation, and nothing calls for review in this Court.

ARGUMENT

Nightmarish though it might be, the substance of Ms. Maddox's claim is not the subject of this Brief in Opposition. Instead, this Brief serves the strictly limited purpose of satisfying the obligation to apprise the Court of perceived misstatements set forth in the Petition. *See* Supreme Court Rule 15.1. In particular, it addresses a misstatement of fact contained in Ms. Maddox's Petition for Writ of *Certiorari*: her misstatement of the procedural history of this case, and specifically her incorrect description of the most recent chapter of that history.

The Court of Appeals' Summary Affirmance of the Dismissal of Petitioner's Complaint Did Not Result from the Denial of her Motion to Proceed *In Forma Pauperis*.

Despite Ms. Maddox's contrary belief, the Seventh Circuit's denial of her motion to proceed *in forma pauperis* had no causal impact upon the disposition of her grievances. No matter her financial status, the proper judicial response to her efforts was to dismiss them; "no one, rich or poor, is entitled to abuse the judicial process." *Demos v. Kincheloe*, 563 F. Supp. 30, 32 (E.D. Wash. 1982), *quoting Hardwick v. Brinson*, 523 F.2d 798, 800 (5th Cir. 1975). As a consequence, the status that Ms. Maddox sought in the Seventh Circuit would have made no difference to her action. "The law no more permits affluent

persons to file frivolous actions than persons proceeding *in forma pauperis*." *Lyszaj v. American Telephone & Telegraph*, 559 F. Supp. 51, 52 (E.D. Va. 1983).

Claims that are frivolous on their face are properly disregarded. *Stambler v. Dillon*, 288 F. Supp. 646, 649 (S.D.N.Y. 1968). The test for determining if an action is frivolous or without merit is "whether the plaintiff can make a rational argument on the law or facts in support of [her] claim." *Davis v. Oklahoma Dep't of Corrections*, 516 F. Supp. 5, 7 (W.D. Okla. 1980).

Ms. Maddox's Petition has no shortage of "colorful and innovative contentions." *See Demos*, 563 F. Supp. at 31. Indeed, it is possible that her Petition is intended chiefly as a literary artifact, and not as a claim at all. *See Norman v. Reagan*, 95 F.R.D. 476, 477 (D. Ore. 1982). But the more interesting aspects of her trials and tribulations need not be decided here. *See Seagate v. New Jersey*, 412 F. Supp. 413, 415 (D.N.J. 1976).

It is inappropriate that the justice system should continue to bear the costs associated with Ms. Maddox's petition-filing whims. *See Demos*, 563 F. Supp. at 32 (quoting order of Supreme Court of Washington dismissing collateral litigation). The Seventh Circuit recognized Ms. Maddox's tirade for what it is: a frivolous and misguided effort to seek help from a system that is not equipped to supply her the help she needs. *See, e.g., Gordon v. Secretary of State*, 460 F. Supp. 1026 (D.N.J. 1978); *United States ex rel. Mayo v. Satan*, 54 F.R.D. 282 (W.D. Pa. 1971). Nothing about its summary affirmance of the District Court's dismissal calls for review.

CONCLUSION

Linda Maddox offers no coherent ground meriting further attention. Her Petition for Writ of *Certiorari* should be denied.

Respectfully submitted,

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